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Via Electronic Filing


The Honorable Philip M. Halpern Jr.
The Charles L. Brient United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: In re: 85 Flatbush RHO Mezz LLC
Case No.: 7:24-cv-06161 (PMH)

Dear Judge Halpern:

Application granted in part and denied in part.
The time to file the Appellant's brief is extended
to October 15, 2024. Appellant shall include
therein its argument concerning standing.
Appellee's brief shall be filed on or before
November 14, 2024, and reply, if any, shall be
filed by November 29, 2024.

SO ORDERED.


Philip M. Halpern
United States District Judge

Dated: White Plains, New York
October 2, 2024

My firm represents the last remaining Appellant, Atlantic Specialty Insurance Company, after the debtors withdrew from the appeal. I write with the consent of counsel for the appellee, TH Holdco LLC, to request a revision to the briefing schedule to address the issue concerning the surety company's independent standing to pursue the appeal.

We anticipated that this issue would be raised as a threshold matter when we notified the Court of the intention to continue the appeal on behalf of the surety. Appellee is vigorously opposing standing and thus, subject to the Court's approval, the parties have agreed to deal with this threshold issue immediately through a separate briefing schedule limited in the first instance only to standing.

Due to the intervening Jewish Holidays and an outbreak of Covid in the office, we requested and obtained from counsel for the Appellee an extension of the October 7, 2024 deadline until October 14, 2024.

Accordingly, we respectfully request that the Court authorize Appellant to file a brief setting forth the legal basis for its standing on or before October 14, 2024, with Appellee to respond thirty days later, or by November 13, 2024, and Appellant's reply to be filed fourteen days later on November 27, 2024. The briefing schedule for the appeal itself will then be re-set by further Order of the Court following the Court's decision on the question of standing.

Please advise if this proposal meets with the Court's approval. Alternatively, the parties will make themselves available at the Court's convenience for a Zoom conference to discuss the best path forward to address this appeal.

Respectfully yours,

/s/ J. Ted Donovan

cc: Lauren Macksoud, Esq.